<u>REMARKS</u>

The above Amendments and these Remarks are submitted under 37 C.F.R. §1.111 in response to the Office Action mailed February 27, 2004.

Summary of the Examiner's Action and Applicants' Response

The Examiner stated that Claims 18-20 and 42-44 were objected to, but would be allowed if rewritten to include all the limitations of the base claim and any intervening claims. The Examiner has rejected Claims 1-7, 22-31, and 46-48 under U.S.C. §102(e) as being anticipated by Rom, et al. (U.S. Patent No. 6,252,849). The Examiner has rejected Claims 8-17, 21, 32-41, and 45 under 35 U.S.C. §103(a) as being obvious based on Rom, et al. in view of Ren, et al. (U.S. Patent No. 6,456,590). In this amendment, Applicants have amended Claims 1, 18-20 and 42-44. After entry of this Amendment, Claims 1-48 remain pending.

Response to Objection to Claims 18-20 and 42-44

The Examiner stated that Claims 18-20 and 42-44 were objected to, but would be allowed if rewritten to include all the limitations of the base claim and any intervening claims. In this Amendment, Claims 18-20 and 42-44 have been amended in order to place these claims in condition for allowance. Applicants therefore respectfully request confirmation that, as amended, these claims are now in condition for allowance.

Response to Rejection of Claims 1-7, 22-31, and 46-48 under 35 U.S.C. §102(e)

Claim 1 has been amended to correct a minor typographical error related solely to the form of the claim. The Examiner has rejected Claims 1-7, 22-31, and 46-48 under U.S.C. §102(e) as being anticipated by Rom, et al. The Examiner stated that Rom, et al. discloses a method for controlling a switch as claimed in Claim 1. The Examiner further stated that Rom, et al. discloses all of the steps claimed in Claim 1 and all of the elements in the corresponding apparatus Claim 25. Applicants respectfully disagree.

Applicants respectfully submit that Rom, et al. does not disclose the step of estimating the expected total content LE of the link on which the input ports receive data cells, as claimed in Claim 1. Rom, et al. also does not disclose the step of calculating a free margin (FM) as the remaining available buffer (AS) space minus LE. Although Rom, et al. discloses responding to a level of

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occupancy of the buffer exceeding a certain threshold, Applicants respectfully submit that Rom, et al. does not disclose using an estimated total content to calculate the threshold, as claimed in Claims 1 and 25. Claims 2 -7 and 22-24 depend directly or indirectly from Claim 1 and are respectfully submitted as being not anticipated by Rom, et al. for the same reasons stated above for Claim 1. Claims 26-31 and 46-48 depend directly or indirectly from Claim 25 and are respectfully submitted as being not anticipated by Rom, et al. for the same reason stated above for Claim 25.

Response to Rejection of Claim 8-17, 21, 32-41, and 45 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 8-17, 21, 32-41, and 45 under 35 U.S.C. §103(a) as being obvious based on Rom, et al. in view of Ren, et al. The Examiner stated that Rom, et al. discloses the method of Claim 8 (and the corresponding apparatus claimed in Claim 32) except for teaching that the maximum amount of data equals twice as much as a round trip content plus two full-sized packets. The Examiner stated that Ren, et al. discloses the maximum amount of data equals twice as much as a round trip content plus two full-sized packets and that it would be obvious to one skilled in the art to combine the method of Ren, et al. with Rom, et al. to achieve the method of Claim 8 (and the corresponding apparatus claimed in Claim 32). Applicants respectfully disagree.
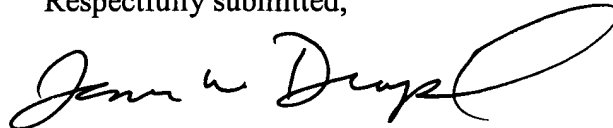
Claims 8-17 and 21 depends directly or indirectly from Claim 1 and are respectfully submitted as being not anticipated by Rom, et al. for the same reason stated above for Claim 1. Applicants also respectfully submit that Rom, et al. does not teach or suggest the method as claimed in Claim 8-17 and 21 for the same reasons stated above for Claim 1. Claims 32-41 and 45 depend directly or indirectly from Claim 25 are respectfully submitted as being not anticipated by Rom, et al. for the same reasons stated above for Claim 25. Applicants also respectfully submit that Rom, et al. does not teach or suggest the switch as claimed in Claim 32-41 and 45 for the same reasons stated above for Claim 25. Applicants respectfully submit that Ren, et al. does not teach or suggest the method of Claim 1 (and the corresponding apparatus claimed in Claim 25). For the above reasons, Applicants respectfully submit that Claims 8-17, 21, 32-41, and 45 are not obvious based on Rom, et al. in view of Ren, et al.

Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that all pending claims, Claims 1-48, are now in condition for allowance and such action is earnestly

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solicited. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 13-0201 for any payment in connection with this response, including any fee for extension of time, which may be required. The Examiner is invited to call the undersigned if such action might expedite the prosecution of this application.

Respectfully submitted,

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